

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services hereby gives Notice of Intended Action to amend Chapter 142, “Interstate Compact on the Placement of Children,” Iowa Administrative Code.

These amendments propose to allow the Department to implement and utilize the National Electronic Interstate Compact Enterprise (NEICE) system. The NEICE system is a secure, Web-based case management system that enables state-to-state transfer of data and documents for a child who needs placement across state lines. The implementation of the NEICE system would improve the efficiency of the Interstate Compact on the Placement of Children (ICPC) process and decrease delay in placement approval.

The implementation of the NEICE system would shorten permanency timelines; save costs due to postage, mailing and staff time; create a HIPAA-secure environment for the transfer of cases; and provide efficient tracking of cases.

These amendments also update out-of-date references in Chapter 142.

Any interested person may make written comments on the proposed amendments on or before May 2, 2017. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 232, division IX.

The following amendments are proposed.

ITEM 1. Amend rules **441—142.1(238)** to **441—142.8(238)**, parenthetical implementation, as follows:

(~~238 232~~)

ITEM 2. Strike the implementation sentence after rule **441—142.2(238)** as follows:

~~Rules 142.1(238) and 142.2(238) are intended to implement Iowa Code section 238.33.~~

ITEM 3. Adopt the following new rule 441—142.9(232):

441—142.9(232) NEICE database.

142.9(1) Definitions. For the purpose of this chapter, unless the context otherwise requires:

“*National Electronic Interstate Compact Enterprise system*” or “*NEICE system*” means the national electronic web-based system for administration of the interstate compact on the placement of children made available to states by the American Public Human Services Association through its affiliate, the Association of Administrators of the Interstate Compact on the Placement of Children.

“*Security requirements*” means all policies or system security guidance established by the department and the office of the chief information officer related to the use of external computer systems for the storage of personally identifiable data elements of applicants for and recipients of department services. Security requirements as defined herein include but are not necessarily limited to completion

by the vendor of the then current cybersecurity framework made available by the National Institute of Standards and Technology, department confirmation that the system has passed the cybersecurity framework analysis, completion by the vendor of an information security risk assessment acceptable to the department, performance by the vendor of a system penetration test acceptable to the department, and an application scan for vulnerabilities, as well as remediation of any vulnerabilities identified.

142.9(2) *Department obligation to provide data to the NEICE system.*

a. At all times that the NEICE system meets security requirements, the department shall place in the system all data elements and information that the system is configured to accept concerning children subject to the interstate compact.

b. Prior to placing personally identifiable data elements in the NEICE system, the department shall confirm that the NEICE system complies with all security requirements. If at any time after placement of personally identifiable data in the NEICE system the department determines that the NEICE system fails to meet all security requirements or that personally identifiable data placed in the system by the department has been used or disclosed inappropriately, the department may cease using the NEICE system and may demand that all data provided by the department be removed from the system.

ITEM 4. Adopt the following **new** implementation sentence in **441—Chapter 142**:

These rules are intended to implement Iowa Code chapter 232, division IX.